

35.C12641



RECEIVED  
PATENT APPLICATION

JUN -7 2001  
TC 2800 MAIL ROOM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
MASATO YAMANOBE, ET AL. )  
Application No.: 09/041,639 )  
Filed: March 13, 1998 )  
For: IMAGE-FORMING APPARATUS ) May 31, 2001  
Examiner: A. Patel  
Group Art Unit: 2875

Commissioner for Patents  
Washington, D.C. 20231

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JUN 01 2001  
OFFICE OF PETITIONS

DECLARATION UNDER M.P.E.P. §711.02

Sir:

I, Scott D. Malpede, declare and say that:

1. I am a partner in the law firm of Fitzpatrick, Cella, Harper & Scinto, 30 Rockefeller Plaza, New York, New York 10112 and am an attorney of record in the above-identified application. I am the attorney in the law firm who is primarily responsible for the prosecution of the subject patent application.

2. On April 26, 2001, a Notice of Abandonment dated April 23, 2001 was received by the law firm in the above-identified application. The Notice of Abandonment indicated that

a response in accordance with an Office Action mailed September 12, 2000 had not been made.

However, after reviewing the pertinent records, including the entire file of the subject application, and the Declaration of Howard S. Greenberg dated May 31, 2001, and the attached exhibits thereto, I have concluded that the law firm never received the Office Action in the above-identified application.

Date: 5/31/01

Scott D. Malpede  
Scott D. Malpede

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Application No.: 09/041,639 ) Group Art Unit: 2875  
Filed: March 13, 1998 )  
For: IMAGE-FORMING APPARATUS ) May 31, 2001

Commissioner for Patents  
Washington, D.C. 20231

DECLARATION UNDER M.P.E.P. §711.02

Sir:

I, Howard S. Greenberg, declare and say that:

1. I am employed by Fitzpatrick, Cella, Harper & Scinto, 30 Rockefeller Plaza, New York, New York 10112 as a docket clerk professional. My responsibilities include docketing the receipt of documents from the Patent and Trademark Office, and maintaining records of such documents and records of periods of response thereunder.

2. All communications from the Patent and Trademark Office are directed to me immediately upon receipt within the firm.

3. Each and every communication I receive from the Patent and Trademark Office is logged into a Day Book Report on the day it is received, along with a due date for responding to the communication. I have reviewed the entries in the Report concerning the period from September 12, 2000 through September 24, 2000. Those entries do not include an entry indicating receipt of an Office Action or any other PTO paper concerning the above-identified patent application. Accordingly, I conclude that no Office Action dated September 12, 2000, was received for that application.

4. In addition to my responsibilities, as stated above, for maintaining records of documents received from the Patent and Trademark Office, I also calculate and record in a Docket Book the date upon which responses to such Patent Office communications are due. The response due date to a September 12, 2000, Office Action would have been December 12, 2000. The entries in the Docket Book on that date do not indicate that any response to a September 12, 2000, Office Action in the above-identified application was due.

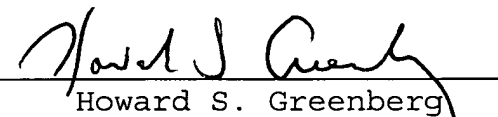
5. In addition to the above procedures and practices, I also maintain a computerized Master Docket in which is recorded the due date upon which a response to such Patent Office communication is due. The entries in that Master Docket

on that date do not indicate that any response to a September 12, 2000, Office Action in the above-identified application was due. A copy of a computer printout of the Master Docket is attached hereto as Exhibit A showing the last three digits of each application number having a due date on December 12, 2000. Again, Exhibit A does not refer to the above-identified application.

6. Further to the above procedures and practices, I also maintain a computerized file for each application which summarizes all of Applicants' filings and Patent Office communications. The computerized file for the subject application shows no indication of an Office Action being received.

7. Accordingly, from a review of all of the above-referenced records, it is my belief that the firm never received the Office Action.

Date: May 30, 2001

  
Howard S. Greenberg

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Master Docket  
From 11/22/00 to 12/12/00

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12/11/00 [REDACTED] 7083

12/11/00 [REDACTED] 6660

12/11/00 [REDACTED] 850

12/11/00 [REDACTED] 781

12/11/00 [REDACTED] 751

12/11/00 [REDACTED] 002

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Master Docket  
From 11/22/00 to 12/12/00

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12/12/00 [REDACTED] 869

12/12/00 [REDACTED] 946

12/12/00 [REDACTED] 516

12/12/00 [REDACTED] 992

12/12/00 [REDACTED] 526

12/12/00 [REDACTED]

12/12/00 [REDACTED] 072

12/12/00 [REDACTED] 217

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Master Docket  
From 11/22/00 to 12/12/00

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12/12/00 [REDACTED] 258

12/12/00 [REDACTED] 257

12/12/00 [REDACTED] 609

12/12/00 [REDACTED] 345

12/12/00 [REDACTED] 350

12/12/00 [REDACTED] 348

12/12/00 [REDACTED] 901

12/12/00 [REDACTED] 347

12/12/00 [REDACTED] 445



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Master Docket  
From 11/22/00 to 12/12/00

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12/12/00 [REDACTED] 503

Remarks: #1855 [REDACTED]

12/12/00 [REDACTED] 349

12/12/00 [REDACTED] 444

12/12/00 [REDACTED] 139

12/12/00 [REDACTED] 921

12/12/00 [REDACTED] 140

12/12/00 [REDACTED] 351

12/12/00 [REDACTED] 352

12/12/00 [REDACTED] 355

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Master Docket  
From 11/22/00 to 12/12/00

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12/12/00 [REDACTED] 502

12/12/00 [REDACTED] 174

12/12/00 [REDACTED] 602

12/12/00 [REDACTED] 610

12/12/00 [REDACTED] 614

12/12/00 [REDACTED] 177

12/12/00 [REDACTED] 732

12/12/00 [REDACTED] 191

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Master Docket  
From 11/22/00 to 12/12/00

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12/12/00 [REDACTED] 702

12/12/00 [REDACTED] 416

12/12/00 [REDACTED] 064

12/12/00 [REDACTED] 181

12/12/00 [REDACTED] 708

12/12/00 [REDACTED] 781

12/12/00 [REDACTED] 544

12/12/00 [REDACTED] 858

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Master Docket  
From 11/22/00 to 12/12/00

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12/12/00 [REDACTED] 358

12/12/00 [REDACTED] 513

12/12/00 [REDACTED] 319

12/12/00 [REDACTED] 480

12/12/00 [REDACTED] 007

12/12/00 [REDACTED] 291

12/12/00 [REDACTED] 734

12/12/00 [REDACTED] 549

12/12/00 [REDACTED] 319

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Master Docket  
From 11/22/00 to 12/12/00

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12/12/00 [REDACTED] 260

12/12/00 [REDACTED] 8994

12/12/00 [REDACTED] 274

12/12/00 [REDACTED] 802

12/12/00 [REDACTED] 734

12/12/00 [REDACTED] 2041

12/12/00 [REDACTED] 885

12/12/00 [REDACTED] 779

12/12/00 [REDACTED] 180

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Master Docket  
From 11/22/00 to 12/12/00

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12/12/00 [REDACTED] 955

12/12/00 [REDACTED] 843

12/12/00 [REDACTED] 905

12/12/00 [REDACTED] 700

12/12/00 [REDACTED] 444

12/12/00 [REDACTED] 584

12/12/00 [REDACTED] 843

12/12/00 [REDACTED] 041

12/12/00 [REDACTED] 320

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Master Docket  
From 11/22/00 to 12/12/00

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12/12/00 [REDACTED] 509  
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12/12/00 [REDACTED] 584  
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~~12/12/00~~ [REDACTED] 983  
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12/12/00 [REDACTED] 742  
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Master Docket  
From 11/22/00 to 12/12/00

12/12/00 [REDACTED] 039

12/12/00 [REDACTED] 070

12/12/00 [REDACTED] 053

12/12/00 [REDACTED] 192

12/12/00 [REDACTED] 605

12/12/00 [REDACTED] 140

12/12/00 [REDACTED] 349

12/12/00 [REDACTED] 879

12/12/00 [REDACTED] 684



Master Docket  
From 11/22/00 to 12/12/00

~~12/12/00~~ [REDACTED] 163

~~12/12/00~~ [REDACTED] 909

~~12/12/00~~ [REDACTED] 504

~~12/12/00~~ [REDACTED] 765

~~12/12/00~~ [REDACTED] 618

~~12/12/00~~ [REDACTED] 304

~~12/12/00~~ [REDACTED] 811

~~12/12/00~~ [REDACTED] 317

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Master Docket  
From 11/22/00 to 12/12/00

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12/12/00 [REDACTED] 568  
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12/12/00 [REDACTED] 158  
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12/12/00 [REDACTED] 144  
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Master Docket  
From 11/22/00 to 12/12/00

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~~12/12/00~~ [REDACTED] 350  
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~~12/12/00~~ [REDACTED] 977  
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~~12/12/00~~ [REDACTED] 783  
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~~12/12/00~~ [REDACTED] 791  
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Master Docket  
From 11/22/00 to 12/12/00

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12/12/00 [REDACTED] 3438  
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12/12/00 [REDACTED] 534  
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